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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Global Network for Rights and Development (GNRD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Freedom of Expression

The Global Network for Rights and Development welcomes this opportunity to address the Human Rights Council on the continuing efforts to improve international outlook for freedom of expression, particularly within the context of the post-2015 development agenda.

As everybody knows, the agenda includes eight anti-poverty targets known as the Millennium Development Goals (MDGs), ranging from gender equality to the halving of extreme poverty. Despite the success of this framework—three of the eight goals were achieved before the deadline and the rest were narrowly missed— the issues which were not included warrant further attention and engagement.

Freedom of expression is among the subjects to be duly addressed after the proliferation of restrictive laws and the rise of **armed groups*** which today threaten the free flow of information and the exchange of ideas. Indeed, this fundamental right enshrined in the Universal Declaration of Human Rights is often limited by the authorities' recourse to various practices that may include censorship, restrictive press legislation, and the harassment of journalists, bloggers and others who express their opinions in public, online or in print.

This kind of intimidation also occurs in other areas of the online world. Technology has afforded individuals new possibilities to enjoy their human rights at ever-higher levels. In the exercise of freedom of expression, the role played by innovation and proliferation of technologies is even more remarkable thanks to the use of blogs and social media. Now citizens can express their own views easily as well as seek, receive and impart information on an unprecedented scale. It is clear that, thanks to the availability of a whole range of new means of communication, individuals are increasingly empowered to disseminate information in different ways. However, while benefiting from the new technologies individuals also expose themselves to new risks in relation to the human rights not only of their own but also those of others associated with them through blogs or other forms of expression.

When referred to in the context of the freedom of expression, violations are often inflicted by governments. In various parts of the world, regimes have misused laws to persecute political opponents and minorities. Some of them intend to dissuade citizens—including journalists, bloggers and other individuals who share their opinions—from creating their own sites by mandatory registrations of online media with public authority. Others strive to block and filter the content available on the net, while the rest channel their efforts into hampering the access of citizens to new technologies.

In this context, we have observed a positive global reaction to addressing this situation. Recent reports are looking to the United Nations to set a transformative agenda that is both universal and adaptable to the conditions of each country and each people. Amidst the post-2015 development debate, civil society and non-governmental organisations, governments and other relevant stakeholders called for strengthening effective, accountable, participatory and inclusive governance, for fair justice systems, for peaceful societies and, above all, for the freedom of expression, information and association.

These requests, in which freedom of speech played a prominent role, were in response to the lack of importance given the subject in the post-2015 development debate. This takes us back to November 2014, when various stakeholders expressed disappointment that there was no specific reference to the right to freedom of expression and information. This statement came after studying the list of Sustainable Development Goals (SDGs), where

number 16 seeks to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Nor does Goal 16.10, which aims to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements adequately or explicitly address the issue of freedom of expression.

GNRD in accordance with its mission to enhance and promote both human rights and development, believes that freedom of expression, free, independent and pluralistic media, and media development should be fully and deeply integrated into the universal post-2015 Development Agenda.

Freedom of expression and information plays a vital role in the sustainable development process of any society and allows the rest of the rights to flourish. At an individual level, it is fundamental to the fulfilment of every person, as well as intrinsic to the dignity and development of the subject. At the same time, at a national level, the free exchange of ideas contributes to guaranteeing free debate, good governance and the promotion of human rights. Following this line, the organisation considers freedom of expression the heart of democratic systems and condemns censorship in all its forms because of its often unjustifiable nature.

However, we understand freedom of expression is not absolute and can be limited when it conflicts with other rights, such as the ones related to personal privacy or honour. It is important to acknowledge, however, that freedom of expression is the rule. Restrictions are the exception, and permitted only to protect the rights of others, national security or public order.

It is the first exception cited above which concerns the Global Network for Rights and Development. On 27 May this year, the Norwegian police brutally invaded the headquarters of our organisation and confiscated a large number of documents that it claimed were needed for obtaining evidence of what it mistakenly believed to be a hidden and criminal financing of our NGO. The police also raided the home of GNRD's president and subjected him and his family to abusive treatment well outside the legally defined remit of the authority. Then, in clear disregard of all known judicial and police procedures across the democratic world, 10 days after the incident the false and baseless accusations on which the police based its raid on GNRD were leaked to Norwegian media, which started attacking the GNRD, embellishing the leaked police comments with additional unfounded rumours. It is not clear yet why the information on the raid was withheld during this period and then was leaked simultaneously to selected news outlets. It is not clear either why certain Norwegian media continued publishing defamatory articles, lacking any basis in fact, in what clearly was a vilification campaign against the organisation and its president.

Both the vilification campaign and the leaks persist. These are leaks because the reports draw on information available only the police. A Norwegian newspaper recently published a scan purporting to show a financial transfer made by one of our donors, not only revealing his identity but also the transferred amount. Again, if true, this could only have come from one source: the Norwegian police. The publication of this document makes us wonder, once again, who in the Norwegian police or government is responsible for leaking all this confidential information to the media and what is the purpose of their action?

In the process the reputation of the GNRD may have been harmed. The reprehensible attempt at media vilification backfired in one sense because the reported transaction, if true, was anything but secret and would have formed part of GNRD's independently audited accounts, which the police still holds. Nevertheless, we must equivocally state that the funds transferred to the GNRD are donations that come from licensed companies that have chartered audit and accounting firms in their employ. The origins of the funds are crystal

clear, audited at both ends, ie the source and the destination, and free from any kind of criminality, as alleged in this arbitrary action. Thus, all donations are spent on the humanitarian and human rights projects, administrative expenses, staff salaries, as well as daily expenses, or to cover the rent of GNRD offices around the world.

Norwegian media have exceeded their right to tell others what they think or guess. Their accusations are in flagrant disregard of and conflict with Article 12 of the Universal Declaration of Human Rights, which protects the reputation and honour of an individual and forbids any kind of interference with that individual's privacy or correspondence.**

Despite all the attacks we suffered, the GNRD will always work for the defence of human rights, including freedom of expression. Indeed, reinforcing the right to freedom of speech and improving journalists' professional circumstances are our general recommendations for the future. From the standpoint of our organisation, all UN member states should support the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. Besides, leadership programmes in journalism, where a selection of top journalists from different regions are brought in to discuss current affairs, exchange ideas, and provide updates about the challenges in reporting, should be created.

The international community should also place the rights of media workers to the top of its agenda. It is also important to strengthen the journalists' employment rights and media workers. In this line, fair contracts for all should be provided and the exploitation of freelance workers should come to an end. But warning public authorities about the negative effects of interfering with critical reports—critical to their interests—by media, bloggers or any other individual, should be a must.

The progress of technology is another important fact to take into consideration. Despite the advantages in communications, which certainly have developed new ways of promoting freedom of expression, there are also a substantial number of challenges as a consequence. Regarding this matter, the EU Council said, "*all human rights which exist offline must also be protected online, in particular the right to freedom of opinion and expression*."

Freedom of expression is one of the most precious rights included in the Universal Declaration of Human Rights, indispensable for every human being. Free opinions, thoughts and expressions are major foundations for democracy, peace and development of a State. Governments have within their duties the obligation to protect and promote the rights to hold free opinions and thoughts, as well as to facilitate the flow of information through independent media. From these lines, the Global Network for Rights and Development urges to place freedom of expression talks at the centre of the post-2015 development agenda debate.

* It refers to terrorist groups, such as the Daesh, which control the flow of information in the territory they occupy.

** Article 12 declares, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."